

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA, et al.,

CASE NO. C70-9213 RSM

Plaintiffs,

Subproceeding No. 89-SP-312 (Shellfish)

V.

MINUTE ORDER

STATE OF WASHINGTON, et al.,

Defendants.

The following MINUTE ORDER is made by direction of the Court, the Honorable
Ricardo S. Martinez, Chief United States District Judge:

On February 19, 2020, the Port Gamble S’Klallam Tribe and Jamestown S’Klallam Tribe (collectively “S’Klallam”) filed (1) a Motion to Alter or Amend Judgement or For a New Trial (Dkt. #124);¹ (2) a Petition for Review – Appeal from Magistrate Order to District Court and Motion for Overlength Petition (Dkt. #125);² and (3) a Motion to File Overlength Motion (Dkt. #126).³ S’Klallam filed its motion to amend judgment concurrently with its petition for review due to a provision of the Stipulation and Order Amending Shellfish Implementation Plan

¹ Dkt. #22,156 in Case No. C70-9213RSM.

² Dkt. #22,157 in Case No. C70-9213RSM.

³ Dkt. #22,158 in Case No. C70-9213RSM.

1 (“SIP”).⁴ Dkt. #125 at 2 n.2. That provision requires that any petitions for district court review
2 of a magistrates written decision resolving a dispute be filed within twenty days of the filing of
3 the original decision. SIP ¶ 9.1.4. S’Klallam requested that “this Petition be stayed until the
4 Magistrate Judge has reviewed and ruled on” the motion to amend. Dkt. #125 at 2 n.2.

5 To provide procedural clarity, the Court sets the following procedures.

- 6 1. Parties need not brief or prepare responses to S’Klallam’s Petition for Review – Appeal
7 from Magistrate Order to District Court and Motion for Overlength Petition (Dkt. #125).
8 That Petition is STAYED.
- 9 2. The Motion to Alter or Amend Judgment or For a New Trial (Dkt. #124) and the Motion
10 to File Overlength Motion (Dkt. #126) remain pending. The parties should respond in
11 accordance with the applicable rules and Judge Christel will address the motions in due
12 course.
- 13 3. Within twenty (20) days of an order resolving the Motion to Alter or Amend Judgment
14 or For a New Trial (Dkt. #124), S’Klallam may (1) file an amended petition and note it
15 for the Court’s consideration in due course; (2) renote the existing petition (Dkt. #125);
16 or (3) file notice that it does not plan to proceed with a petition. Thereafter, the parties
17 shall respond as appropriate under the applicable rules.
- 18 4. All other parties shall otherwise proceed as appropriate under the applicable rules.

19 DATED this 24 day of February, 2020.

20 WILLIAM McCOOL, Clerk

21 By: /s/ Tomas Hernandez
22 Deputy Clerk

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24 ⁴ Dkt. #14,331 in Case No. C89-sp-03RSM; Dkt. #17,340 in Case No. C70-9213RSM.